SINGLE BENCH

(3) (1)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 1950 /2005

PETITIONER

G.S. Mandavi, Aged about 39 years, S/o. Shri B.S. Mandavi, Assistant Grade-II, Department of Tribal, Qtr. No. 4, Block Colony, Nayapara, Jagdalpur, Bastar (C.G.)

VERSUS

RESPONDENTS

1. State of Chhattisgarh, Through the Secretary, Department of Tribal Development, D.K.S. Bhawan, Raipur (C.G.)

2. The Commissioner, Department of Tribal Development, D.K.S. Bhawan, Raipur (C.G.)

3. The Collector, District Jagdalpur (C.G.).

4. The Assistant Commissioner, Tribal Development Department, Jagdalpur, Distt. Jagdalpur (C.G.)

P.R.No. 1903/05 Presented by Shri A.S. dated 27.5.05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(56)

HIGH COURT OF CHHATTISGARH AT BILASPUR
W.P. No. 1950 of 2005

Petitioner G.S. Mandavi
Versus
Respondents State of Chhattisgarh & others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Ashok K. Shukla, counsel for the petitioner.
Mr. Satish Gupta, Dy. Govt. Advocate for the respondents /State.

ORDER

(Passed on this 1st day of March, 2007)

1. The petitioner, while working as Assistant Grade-II in the office of the Assistant Commissioner, Tribal Development Department, Jagdalpur, was transferred to the office of the Chief Executive Officer, Janpad Panchayat, Keshkal on the same terms and conditions vide impugned transfer order dated 13.8.2004 (Annexure P/1).
2. This Court, vide interim order dated 22.6.2005, has stayed the impugned order dated 13.8.2004, till the next date of hearing and the petitioner may be allowed to continue at the original place of posting. By virtue of the interim order, the petitioner has been continued on the same place of posting.
3. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
4. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
5. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu